UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 JUN -6 PM 3:00

UNITED STATES OF AMERICA, Plaintiff, v. **Pedro PROANO-Aguirre** Defendant.	Magistrate Case No. '08 MJ 1778 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326; Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about, **June 03, 2008**, within the Southern District of California, defendant, **Pedro PROANO-Aguirre**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Deportation Officer,
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **06th** DAY OF **June 2008.**

UNITED STATES MAGISTRATE JUDGE

GJr

CONTINUATION OF COMPLAINT:
NAME: PROANO-Aguirre, Pedro

PROBABLE CAUSE STATEMENT

On Tuesday, June 03, 2008, the defendant identified as Pedro PROANO-Aguirre was arrested by the San Diego Sheriff's Office for violation of 647(F) "PC-Disorderly Conduct/Drunk" and booked into county jail. While in the custody of county jail, an Immigration Enforcement Agent conducted an interview, determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Detainer" pending his release. On Friday, June 06, 2008, at approximately 9:30 a.m. the defendant was referred to the custody of Immigration and Customs Enforcement (ICE). A Deportation Officer reviewed various sources of information and conducted official record checks confirming the defendant to be a citizen of Mexico having been previously deported and removed from the United States on at least four occasions.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed the defendant was most recently ordered removed from the United States by an Immigration Judge on or about April 10, 2006 and physically removed to Mexico on April 14, 2006 via the San Ysidro Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Pedro PROANO-Aguirre a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

Based upon the foregoing information, there is probable cause to believe that Pedro PROANO-Aguirre has illegally re-entered the United States after Deportation, in violation of Title 8 of the United States Code 1326, Deported Alien Found in the United States.